

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: GENERIC PHARMACEUTICALS
PRICING ANTITRUST LITIGATION

THIS DOCUMENT RELATES TO:

ALL ACTIONS

MDL No. 2724
Case No. 2:16-MD-02724

Hon. Cynthia M. Rufe

PRETRIAL ORDER NO. 47
(Allowing Additional Targeted Discovery to Proceed)

AND NOW, this 17th day of April, 2018, upon consideration of the

Parties' Joint Status Report dated April 16, 2018, it is hereby **ORDERED** that:

1. Nothing in this Order modifies or replaces paragraphs 2 through 10 of PTO 44.

For the avoidance of doubt, nothing in this Order precludes a party or non-party from objecting to, moving to quash, or seeking a protective order excusing a response to any discovery request.

2. Except as provided in paragraph 2 of PTO 44 and paragraphs 3 and 4 of this

Order, all discovery (including initial disclosures) in all actions is stayed until **November 9, 2018**.

3. Subject to paragraphs 3 and 4 of PTO 44, discovery by interrogatory may proceed on the following topics:

- a. the identities of defendants' API suppliers;
- b. for defendant employees or agents with responsibility for recommending, reviewing, monitoring, setting, updating, reporting, changing, modifying, announcing, or approving prices or bids for generic pharmaceuticals, their:
 - i. names;

- ii. titles;
- iii. cellular telephone number(s) and associated carrier(s)
- iv. work telephone number(s);
- v. social media account(s), including user name or handle, ever used for a business purpose; and
- vi. private e-mail account(s) ever used for a business purpose;

c. the names of any trade association show or trade association event attended by defendant employees or agents with responsibility for recommending, reviewing, monitoring, setting, updating, reporting, changing, modifying, announcing, or approving prices or bids for generic pharmaceuticals;

d. all defendant package NDC codes corresponding to any of the drugs that defendants manufactured or sold, including all package NDC codes corresponding to repackagers, labelers, or distributors who repackaged, labeled, or distributed any drug at issue; and

e. the identity of all repackagers, labelers, or distributors of any drugs that defendants manufactured or sold.

4. Subject to paragraphs 3 and 4 of PTO 44 and paragraph 5 of this Order, defendants may serve the following types of discovery on any plaintiff:

- a. notices of depositions under Federal Rule of Civil Procedure 30(b)(6) on any of the topics identified in paragraph 2(d) of PTO 44 (with whatever modifications may be necessary to reflect that the deponents will be designated by a plaintiff);

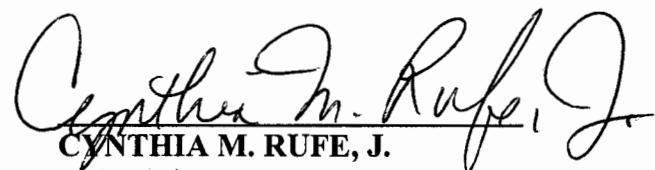
- b. any of the requests for the production of documents and/or data listed in Exhibit A to PTO 44 (with whatever modifications may be necessary to reflect that the requests are directed to a plaintiff); and
- c. interrogatories on any of the topics identified in paragraph 3 of this Order (with whatever modifications may be necessary to reflect that the interrogatories are directed to a plaintiff).

5. With respect to discovery described in paragraph 4 of this Order, defendants will provide the Department of Justice with a copy of such discovery at least five (5) business days in advance of service, unless a shorter period is otherwise agreed to by defendants and the Department of Justice. Defendants shall make a good faith effort to coordinate discovery described in paragraph 4 of this Order and to eliminate duplicative and overlapping requests.

6. The parties shall submit a joint status report on **July 17, 2018, October 19, 2018**, and every 90 days thereafter.

It is so **ORDERED**.

BY THE COURT:



Cynthia M. Rufe, J.
CYNTHIA M. RUFÉ, J.